

JOHN S. LUFF.

JULY 18, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BUNNELL, from the Select Committee on Indian Depredation Claims, submitted the following

REPORT:

[To accompany bill H. R. 7544.]

The Select Committee on Indian Depredation Claims, to whom was referred bill H. R. 7544, have had the same under consideration and report:

The facts in this case, as established by the evidence, appear to be that the claimant, John S. Luff, was doing a large business as a merchant, in 1865, at Star City, Humboldt County, Nev., which was not on an Indian reservation, and that on November 5, 1865, the Piute Indians attacked and captured a wagon loaded with goods belonging to the claimant, which he had purchased in Sacramento and was having transported to his said place of business by a freighter, who had brought them as far as Antelope, in Humboldt County, Nev., a point on the public wagon road from Chico Landing to Star City, where he was attacked and killed.

This attack is established by the testimony of persons who visited the scene of it the following day and a few days afterwards, and of those who saw the remains of the burnt wagon and goods not transportable by the Indians, and who saw and buried the remains of the freighter or driver of the ox-team. The United States troops, with citizens, it appears, followed and attacked the Indians (Piutes), killing a number of them, on some of whom were found new overcoats and articles which they had taken on the occasion referred to; and others testify that they heard about the depredation at the time it occurred from those who followed the Indians, and also from statements published then regarding the depredation.

The quantity and value of the goods is shown by several witnesses. The claimant testifies as to what he paid for them in gold at Sacramento, his claim being made out for this cost from the invoices or bills of the merchants of whom he purchased the goods. In this he is confirmed by the testimony of the clerk or supercargo who assisted in their purchase, shipped them, and loaded the goods on the teams at Chico Landing, who was with one of the wagons a few miles behind the wagon attacked, and who assisted in making up this claim from the original invoices of the goods, which invoices or bills were sent to the claimant's attorney at Washington, D. C., who makes oath that he had these invoices, and that he presented them with the papers to the Indian Bureau, by whom he was advised to apply to Congress, and he delivered the bills to another attorney for that purpose, by whom they have been lost in some way, as were all the original papers. Other evi-

dence appears as to the existence and loss of these invoices from which the items and prices of the claim were taken. The receipt or bill of lading given by the teamster or freighter to the shipping agent at Chico Landing is in evidence, showing the kind and the weight of the goods put on his team at Chico Landing, this weight being about 6,000 pounds.

The Commissioner of Indian Affairs, August 25, 1875, recommends an allowance of \$7,000, as per copy of his report to the Secretary of the Interior, filed herewith, which report this committee adopts and makes a part of its report.

Your committee are of opinion that the claim is a just one, and do therefore report the bill back and recommend its passage.

The following is the referred to report of the Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 25, 1875.

SIR: I have the honor to submit herewith a claim of John S. Luff, for \$7,991, on account of a depredation alleged to have been committed by Piute Indians.

It appears from the sworn declaration of Mr. Luff that he is a resident of Winnemucca, Humboldt County, Nev., and for several years past has been engaged in mercantile business in said place; that in the year 1865 he purchased a large stock of goods in Sacramento and San Francisco, Cal., and on the arrival at Chico Landing, Butte County, Cal., they were loaded in three wagons and started for Star City, Nev. Arriving at what is known as Antelope Canyon, on the Chico and Humboldt wagon road, one of the wagons containing the most valuable goods and being some distance in advance of the others was attacked by a large party of hostile Piute Indians, the driver was killed and scalped, his wagon burned, and his horses and goods captured and destroyed.

A very full account of the various kinds of goods, their cost, etc., is given, as also very full particulars of the depredation. He states that one of the cases or boxes of goods destroyed was very valuable, containing beaver coats and pants of the best quality, silks, etc., selected for his better class of customers, and costing \$3,950.

The material charges made by claimant are believed to be fully established by the evidence of several witnesses. In addition to the testimony of those who were upon the ground and who give evidence in regard to the most important allegations in claimant's sworn declaration, is that of the agent who assisted in the purchase and packing of the goods, and accompanied them on the route from Chico Landing to the place where the depredation occurred. This evidence is very full as to the quality and quantity of goods taken and destroyed, their cost, etc.

It appears also from the claimant's statement and the evidence that he made out his claim in 1866, and that the attorney to whom the papers were intrusted either neglected to file them, or, if filed with the agent or the Department, could not be found, and the case was made out in the early part of this year and presented anew. The agent reports that the Indians in council admit that the teamster was killed, but he was unable to gain any valuable information from them in regard to the depredation. He refers to the evidence of Allen T. Clark, which was inclosed by him to the office, and which he states contains all the additional information concerning the justice of the claim that he is able to collect. Mr. Clark is the person before referred to who assisted in the purchase of the goods and acted as the agent of claimant. From his testimony, sustained by that of three other witnesses, claimant, in the judgment of this office, is entitled to a fair indemnification, and I respectfully recommend that he be allowed \$7,000.

Very respectfully, your most obedient servant,

H. R. CLUM,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.